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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

\_\_\_\_\_  
Innovation Law Lab, *et al.*,

Plaintiffs,

v.

Kirstjen Nielsen, *et al.*,

Defendants.  
\_\_\_\_\_

Civil Action No. 3:19-cv-0807-RS  
**ADMINISTRATIVE MOTION  
TO FILE EXCERPTS OF ALIEN  
FILES UNDER SEAL**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants submit this administrative motion requesting an order allowing Defendants to file the following excerpts of the individual Plaintiffs' Alien Files ("A-Files") under seal:

1. Plaintiff Kevin Doe: AF1-AF11<sup>1</sup>
2. Plaintiff Bianca Doe: AF12-AF23
3. Plaintiff Alex Doe: AF24-AF36
4. Plaintiff John Doe: AF37-AF47
5. Plaintiff Gregory Doe: AF48-AF67
6. Plaintiff Christopher Doe: AF68-AF83
7. Plaintiff Evan Doe: AF84-AF97
8. Plaintiff Dennis Doe: AF98-AF110
9. Plaintiff Frank Doe: AF111-AF128
10. Plaintiff Ian Doe: AF129-AF152
11. Plaintiff Howard Doe: AF153-AF187

For the reasons set forth below, this Motion should be granted.

1. Plaintiffs in this lawsuit are challenging the implementation of the Migrant Protection Protocols ("MPP"), *see* Complaint, Dkt No. 1, and, in their Motion for a Temporary Restraining Order ("TRO") contend that certain documents relevant to the Individual Plaintiffs have not been filed. *See, e.g.*, Dkt. 20-1 at 6.

2. Defendants seek to submit excerpts of the individual Plaintiffs' A-Files solely to advance Defendants' jurisdictional arguments as well as to rebut the evidence submitted by

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<sup>1</sup> The ranges denoted with AF simply refer to the bates number range of each individual Plaintiff's A-File.

1 Plaintiffs to show irreparable harm.

2 3. Each A-File contains personal and confidential identifying information belonging  
3 to the individual Plaintiffs, and also catalogues interviews conducted by the Department of  
4 Homeland Security and asylum officers of the individual Plaintiffs. These interviews also  
5 contain sensitive, protected identifying information. *See* Declaration of Archith Ramkumar  
6 (“Ramkumar Decl.”) ¶ 3.

7 4. In addition, the individual Plaintiffs are proceeding in this lawsuit  
8 pseudonymously, *see* Dkt. 4. It is therefore is necessary to file the A-Files under seal to remain  
9 consistent with Plaintiffs’ motion to proceed pseudonymously. As such, the A-Files that are the  
10 subject of this motion are replete with information that must be protected from public disclosure.  
11 *See* Ramkumar Decl. ¶ 4.

12 5. Records contained in the A-Files also contain information that federal authorities  
13 are prohibited from disclosing to the public. *See, e.g.*, 8 C.F.R. § 208.6 (confidentiality measure  
14 generally prohibiting immigration authorities from disclosing to third parties information  
15 contained in or pertaining to asylum applications, credible fear determinations, and reasonable  
16 fear determinations); *see also* Ramkumar Decl. ¶ 4.

17 6. The Ninth Circuit requires compelling reasons to seal records. *Kamakana v. City*  
18 *& County of Honolulu*, 447 F. 3d 1172, 1178 (9th Cir. 2006). Here, the “compelling reasons”  
19 standard is met. As set forth above, the A-Files are replete with protected and sensitive  
20 information related to each individual Plaintiff. And because this protected information is  
21 prevalent throughout each individual Plaintiffs’ A-Files and is also information protected from  
22 disclosure by regulation, *see* 8 C.F.R. § 208.6, it cannot be redacted.

23 7. Plaintiffs do not oppose this motion. *See* Ramkumar Decl. ¶ 5.

1           8.       Accordingly, given the amount of protected information in the A-files,  
2 Defendants request an order allowing the submission of the excerpts of the individual Plaintiffs'  
3 A-files under seal.

4           DATED: March 1, 2019

5           Respectfully submitted,

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9 Director

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